

ORDINANCE NO. 2 of 2018

AN ORDINANCE for the implementation of a fee for local use as provided by 75 Pa.C.S. §1935, allowing a county, in its discretion, to impose a county fee of \$5.00 for each nonexempt vehicle registered to an address located within its borders.

WHEREAS, Act 89 of 2013, amending 75 Pa.C.S. §1935, allows all counties within the Commonwealth of Pennsylvania, at their discretion, to impose a \$5.00 county fee for each and every non-exempt vehicle registered to an address located within said county; and

WHEREAS, 75 Pa.C.S. §1935 requires each County that elects to implement this fee to pass an Ordinance authorizing the same; and

WHEREAS, beginning January 1, 2015, 75 Pa.C.S. §1935 authorizes a county to enact an ordinance to levy the county fee; and

WHEREAS, 75 Pa.C.S. §1935 requires the County to notify the Pennsylvania Department of Transportation (Department) on or following the enactment date and at minimum 90 days prior to the effective date of the Ordinance; and

WHEREAS, upon levy by ordinance of the county and due notice to the Department, 75 Pa.C.S. §1935 directs the Department to collect the county fee at the time of vehicle registration, and to deposit receipts into a Fee for Local Use Fund; and

WHEREAS, 75 Pa.C.S. §1935 directs that the money paid into the Fee for Local Use Fund shall be distributed by the Department to each participating County, in accordance with the amount collected from said County; and

WHEREAS, funds payable to a County from the Fee for Local Use Fund shall be used by the County for transportation purposes or be allocated by the County to municipalities in the County in accordance with 75 Pa.C.S. §9010(c) (related to the County Liquid Fuels Tax Fund); and

WHEREAS, Butler County has determined that it wishes to impose the \$5.00 county fee authorized pursuant to 75 Pa.C.S. §1935 and hereby presents the following Ordinance No. 2 of 2018 for approval.

NOW THEREFORE, the Butler County Board of Commissioners enacts Ordinance No. 2 of 2018 as follows:

Section 1. The Board of Commissioners of Butler County, (Board) finding that it is in the best interests of Butler County hereby enacts this Ordinance levying a \$5.00 county fee pursuant to 75 Pa.C.S. §1935 for each non-exempt vehicle registered to an address located in Butler County.

Section 2. The fees collected pursuant to this Ordinance shall be used by Butler County for transportation purposes or shall be allocated by Butler County in accordance with 75 Pa.C.S.

§9010(c) (related to the County Liquid Fuels Tax Fund) and consistent with guidance issued by the Department.

Section 3. The Board directs the County Chief of Economic Development to notify the Department of the enactment of this ordinance by Butler County of the \$5.00 county fee, no later than ninety (90) days prior to its effective date as required by 75 Pa.C.S. §1935.

Section 4. Pursuant to 75 Pa.C.S. §1935, this Ordinance and the \$5.00 fee levied under this Ordinance by Butler County shall take effect November 1, 2018.

Section 5. Without further Ordinance or official action, the Board shall not increase the fee above \$5.00 even if the Commonwealth amends 75 Pa.C.S. §1935 to allow counties to increase the fee above \$5.00.

Section 6. The Board directs the Butler County Chief of Economic Development to work with staff to create an annual report outlining the amounts collected from the \$5.00 fee, identifying the projects on which the funds were expended and the utilization of same. Said report shall be completed and made available to the public on or before July 1, 2019, and on the same date every year thereafter for as long as the \$5.00 fee is collected and the funds are utilized.

Section 7. This \$5.00 fee shall automatically sunset ten (10) years after its enactment at which time the Butler County Chief of Economic Development shall notify the Department of the rescindment of this Ordinance by Butler County and to stop collecting the \$5.00 fee. Said notification shall occur no less than ninety (90) days before the expiration of the fee established by this Ordinance.

Adopted this 18th day of July, 2018 by the Butler County Board of Commissioners.

ATTEST:

BOARD OF COMMISSIONERS

Scott J. Andrejchak
Director of Admin./Chief Clerk

Leslie A. Osche, Chairman

Kimberly D. Geyer, Vice Chairman

Kevin E. Boozel, M.S., Secretary